


## Department of Planning and Zoning

149 Church Street  
Burlington, VT 05401  
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*Scott Gustin, AICP, Senior Planner*  
*Mary O'Neil, AICP, Senior Planner*  
*Nic Anderson, Zoning Clerk*  
*Elsie Tillotson, Department Secretary*



**TO:** Development Review Board  
**FROM:** Scott Gustin   
**DATE:** July 1, 2014  
**RE:** 11-0734CA/CU; 668 Pine Street

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: ELM Ward: 5

Owner/Applicant: Stern Properties, LLC

**Request:** Time extension for zoning permit for new addition at side, install rooftop solar panel system, and stormwater collection system.

**Applicable Regulations:**

Article 3 (Applications, Permits, & Project Review)

**Background Information:**

The applicant is seeking approval for a 1-year time extension to complete construction of her project for renovations to the existing doggie day care. This extension is the second one requested. The first 1-year extension was granted June 20, 2013. The project is almost done except for completion of the upgraded stormwater system and installation of the solar panels. No changes to the project are included in this extension request.

Previous zoning actions for this property are noted below.

- 6/20/13, Approval of 1-year time extension for new addition, solar array, & stormwater
- 5/23/11, Approval for new addition, solar array, and stormwater system
- 7/22/08, Approval for establishment of animal kennel
- 11/14/04, Approval for replacement freestanding sign
- 9/15/03, Approval for replacement parallel sign
- 7/19/02, Approval of change in use to retail/manufacturing and associated building changes
- 1/18/00, Denial of variance of height and setback requirements for freestanding sign
- 5/28/99, Approval of freestanding sign
- 2/20/98, Approval of parallel sign
- 2/20/98, Approval change in use from plumbing sales and storage to floral retail

**Recommendation:** Consent approval as per, and subject to, the following findings and conditions:

## **I. Findings**

### **Article 3: Applications and Reviews**

#### ***Sec. 3.2.9, Zoning Permits***

##### ***(d) Time Limit on Zoning Permits:***

The zoning permit for this project was approved by the Development Review Board on May 23, 2011. From that date, the applicant had 1 year to commence construction and a 2<sup>nd</sup> year to complete it (i.e. May 23, 2013). The applicant has started construction as required but has not yet finished. As noted above, the permit has been extended by 1 year already (i.e. until May 23, 2014). This second extension request was received prior to expiration of the zoning permit. As such, approval may be granted. Construction must be complete by May 23, 2015. **(Affirmative finding)**

## **II. Conditions of Approval**

1. Except as specifically modified in this approval, all conditions of the original zoning permit approval dated May 23, 2011 shall remain in effect.
2. Standard permit conditions 1 -15 (including construction completion date no later than May 23, 2015).

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## Burlington Development Review Board

Minutes/Findings of Fact  
May 23, 2011

**In RE:** 11-0734CA/CU; 668 Pine St. (Ward 5, ELM) (Tax Lot No. 053-4-084-000)

**Owner/Applicant:** Play Dog Play / Stern Properties, LLC

**Request:** New addition at side and install rooftop solar panel system and modified stormwater collection system

### Members Present:

Austin Hart  
Michael Long  
Jonathan Stevens  
Brad Rabinowitz  
Kevin Stapleton  
Paul Henninge

### Evidence Presented:

The Board examined the materials submitted in support of this request.

## I. FINDINGS

### Background Information:

The applicant is seeking approval for a 1,600 sf addition to the existing kennel and for solar panel installation and stormwater system modifications. As the kennel is a conditional use, expansion thereof requires conditional use review and approval.

Previous zoning actions for this property are noted below.

- 7/22/08, Approval for establishment of animal kennel
- 11/14/04, Approval for replacement freestanding sign
- 9/15/03, Approval for replacement parallel sign
- 7/19/02, Approval of change in use to retail/manufacturing and associated building changes
- 1/18/00, Denial of variance of height and setback requirements for freestanding sign
- 5/28/99, Approval of freestanding sign
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## Article 3: Applications and Reviews

### Part 5, Conditional Use Review:

#### Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards

*1. The capacity of existing or planned community facilities;*

The proposed 1,600 sf expansion of the kennel will have minor impacts on existing or planned community facilities. Impact fees will be paid to offset these impacts. The applicant is advised to inquire with the Vermont DEC, Water Quality Division to find out if a new state wastewater permit will be required. **(Affirmative finding as conditioned)**

*2. The character of the area affected;*

The subject neighborhood contains a variety of commercial and public uses including private businesses, Public Works, and parkland. To the east, residential properties predominate. Noise impacts associated with the kennel were assessed when the original kennel application was reviewed by the DRB. Mitigation measures were required and implemented. The small building expansion will have no impact on noise generation. **(Affirmative finding)**

*3. Traffic on roads and highways in the vicinity;*

No traffic information has been provided for this application. The proposed expansion is small and is not expected to have any appreciable impact on traffic associated with the kennel. **(Affirmative finding)**

*4. Bylaws then in effect;*

As conditioned, the proposal can be found in compliance with all applicable zoning bylaws. **(Affirmative finding)**

*5. Utilization of renewable energy resources;*

This project includes the installation of a rooftop solar array. The building's lengthwise orientation to the south makes for an ideal location for solar panels. **(Affirmative finding)**

*6. Cumulative impacts of the proposed use;*

No additional mitigation measures beyond those associated with the original approval are necessary. **(Affirmative finding)**

*7. Functional family;*

Not applicable.

*8. Vehicular access points;*

The single, existing access point to the property will remain unchanged and is sufficient. **(Affirmative finding)**

*9. Signs;*

No additional signs are included in this proposal.

*10. Mitigation measures;*

See criterion 6 above.

*11. Time limits for construction;*

No construction schedule has been proposed, nor is one needed given the minor extent of building and site alterations. The construction must be started within 1 year of approval and completed within 2 years, unless an extension is granted. **(Affirmative finding)**

*12. Hours of operation and construction;*

Hours of operation will remain unchanged from the original approval. Hours of construction should be limited to 8:00 AM – 6:00 PM, Monday – Friday, with indoor construction allowed on weekends. **(Affirmative finding as conditioned)**

*13. Future enlargement or alterations;*

Any future enlargement or alteration to the animal kennel will require additional zoning review under the ordinance in effect at that time. **(Affirmative finding)**

*14. Performance standards;*

Performance standards are addressed under Article 5 of these findings.

*15. Conditions and safeguards;*

See conditions of approval.

**Article 4: Maps & Districts**

***Sec. 4.4.3, Enterprise Districts:***

***(a) Purpose***

***(1) Light Manufacturing (ELM)***

The subject property is located in the ELM zone which is intended as the primary commercial/industrial center of Burlington. The proposal amounts to an expansion of an existing commercial use that was previously found to be appropriate for the area. **(Affirmative finding)**

***(b) Dimensional Standards & Density***

Building area will increase by 1,600 sf, bringing the total building area up to 7,400 sf. Floor area ratio (FAR) in the ELM zone is limited to 2. The proposed FAR is 0.25.

Lot coverage will actually decrease slightly from 58.4% to 57.8%. The maximum permissible coverage in the ELM zone is 80%.

The proposed addition will be 12' tall, much lower than the maximum permissible 45' in the ELM zone.

Front and rear yard setbacks will remain unchanged. There is no side yard setback requirement for this property. **(Affirmative finding)**

***(c) Permitted & Conditional Uses***

The animal kennel is a conditional use per Article 3 above. A conditional use application has been filed for its expansion as required. **(Affirmative finding)**

***(d) District Specific Regulations***

Not applicable.

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.3 (b) above.

*Sec. 5.2.4, Buildable Area Calculation*

See Sec. 4.4.3 (b) above.

*Sec. 5.2.5, Setbacks*

See Sec. 4.4.3 (b) above.

*Sec. 5.2.6, Building Height Limits*

See Sec. 4.4.3 (b) above.

*Sec. 5.2.7, Density and Intensity of Development Calculations*

See Sec. 4.4.3 (b) above.

*Sec. 5.5.1, Nuisance Regulations*

Nothing in this proposal appears to constitute a nuisance. **(Affirmative finding)**

*Sec. 5.5.2, Outdoor Lighting*

No new outdoor lighting is proposed. Three existing fixtures will be relocated as a result of the addition. **(Affirmative finding)**

*Sec. 5.5.3, Stormwater and Erosion Control*

Impervious surface will change slightly. As more than 400 sf of earth will be disturbed as part of the project, a small project erosion control form is required. This item has been submitted for review and approval by the Stormwater Administrator. Modifications to the property's stormwater management system are proposed and appear to involve additional infiltration measures. These modifications have been submitted for review and approval by the Stormwater Administrator. **(Affirmative finding as conditioned)**

**Article 6: Development Review Standards:**

*Part 1, Land Division Design Standards*

Not applicable.

*Part 2, Site Plan Design Standards*

*Sec. 6.2.2, Review Standards*

*(a) Protection of important natural features*

No trees or other significant natural features will be impacted by the project. **(Affirmative finding)**

*(b) Topographical alterations*

No topographical alterations are proposed. **(Affirmative finding)**

*(c) Protection of important public views*

There are no important public views from or through the subject property. **(Affirmative finding)**

*(d) Protection of important cultural resources*

Neither the site nor the building is culturally or historically significant. **(Affirmative finding)**

*(e) Supporting the use of alternative energy*

See Sec. 3.5.6 (a) 5.

*(f) Brownfield sites*

The subject property is not an identified brownfield.

*(g) Provide for nature's events*

See Sec. 5.5.3.

*(h) Building location and orientation*

Building location and orientation will remain unchanged. The addition is placed to the side of the existing building away from the front facade and does not impact its street presence. **(Affirmative finding)**

*(i) Vehicular access*

See Sec. 3.5.6 (a) 8.

*(j) Pedestrian access*

The primary building entrance faces Pine Street. There is no walkway between this entrance and the public sidewalk. Per this criterion, such a connection is required and must be depicted on a revised site plan. **(Affirmative finding as conditioned)**

*(k) Accessibility for the handicapped*

Handicap access will remain unchanged with a single handicap parking space. **(Affirmative finding)**

*(l) Parking and circulation*

Parking will be rearranged somewhat to accommodate the building addition. Several angled spaces will become parallel spaces alongside the addition. Parking remains adequate as noted in Article 8 below. **(Affirmative finding)**

*(m) Landscaping and fences*

Landscaping will remain essentially unchanged. An extended chain link fence will be installed at the northern end of the outdoor play area and will accommodate a modest expansion of this play area. **(Affirmative finding)**

*(n) Public plazas and open space*

Not applicable.

*(o) Outdoor lighting*

See Sec. 5.5.2 above.

*(p) Integrate infrastructure into the design*

No new ground mounted mechanical units or other site infrastructure are proposed. Onsite stormwater management measures are subject to review under Sec. 5.5.3. **(Affirmative finding)**

***Part 3, Architectural Design Standards***

***Sec. 6.3.2, Review Standards***

***(a) Relate development to its environment***

***1. Massing, Height, and Scale***

The overall massing, height, and scale of the building remain essentially unchanged. The proposed addition is small at just 1,600 sf and is placed to the side of the building and set back from the front façade. **(Affirmative finding)**

*2. Roofs and Rooflines*

The roofline of the addition continues the roofline of the existing structure. **(Affirmative finding)**

*3. Building Openings*

As with the existing building, fenestration in the addition is spare. The few windows that are proposed in the addition are consistent with those in the rest of the building. **(Affirmative finding)**

*(b) Protection of important architectural resources*

As noted previously, the existing building is not historically significant. The proposed addition will have no impact on any of Burlington's historic resources. **(Affirmative finding)**

*(c) Protection of important public views*

See 6.2.2 (c) above.

*(d) Provide an active and inviting street edge*

The street edge remains unchanged. **(Affirmative finding)**

*(e) Quality of materials*

The addition will be clad in metal siding and roofing that match the existing building. Given the nature and location of the building, these materials are acceptable. **(Affirmative finding)**

*(f) Reduce energy utilization*

The proposed solar array will reduce the building's dependence on traditional energy supply. The addition must comply with the city's current energy efficiency requirements. **(Affirmative finding as conditioned)**

*(g) Make advertising features complimentary to the site*

No new advertising features are included in this proposal.

*(h) Integrate infrastructure into the building design*

The proposed solar panels are a visible new addition to the rooftop of the building. Given their purpose to capture solar energy, screening would be inappropriate from the two most visible angles – the south and west. While visible, the panels are relatively low profile and fit with the utilitarian nature of this spare commercial building. **(Affirmative finding)**

*(i) Make spaces safe and secure*

The overhead doorway into the addition will be illuminated. Current egress requirements apply. **(Affirmative finding as conditioned)**

**Article 8: Parking**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***



The existing kennel requires 8 parking spaces. The 1,600 sf addition will increase the requirement to 10 spaces. A total of 12 spaces are provided and will be retained, albeit reconfigured.  
(Affirmative finding)

***Sec. 8.2.5, Bicycle Parking Requirements***

The animal kennel does not require bicycle parking. (Affirmative finding)

**II. MINUTES**

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

**III. MOTION**

**Motion: Brad Rabinowitz**

I move that the Board grant certificate of appropriateness approval for a new side addition and rooftop solar panel system and modified stormwater collection system, located at 668 Pine Street in the ELM zone in accordance with Articles 3, 4, 5, 6, and 8. Approval is subject to the following conditions:

1. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the erosion control plan and stormwater management plan from the Stormwater Administrator.
2. **Prior to release of the zoning permit**, a revised site plan depicting a new walkway between the front door and the public sidewalk shall be submitted, subject to staff review and approval.
3. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
4. The applicant is advised to inquire with the Vermont DEC, Water Quality Division to find out if a new state wastewater permit will be required.
5. Hours of construction shall be limited to 8:00 AM – 6:00 PM, Monday – Friday, with indoor construction allowed on weekends.
6. The proposed addition shall comply with Burlington's current energy efficiency standards and with Burlington's current egress requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
7. It is the applicant's responsibility to comply with all applicable ADA requirements.
8. This property is subject to all applicable nuisance regulations and performance standards in the Burlington Code of Ordinances.
9. Standard permit conditions 1 – 18.

**Seconded: Paul Henninge**

**Vote: 6-0-0, motion carried**

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**Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article**

**17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.**

